THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 12

UNITED STATES PATENT AND TRADEMARK OFFICE

_____

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

_____

Ex parte ANTONIO C. MICALE and DAVID E. STRAND

_____

Appeal No. 97-3714
Application 08/471,664[1]

_____

ON BRIEF

_____

Before STONER Chief Administrative Patent Judge, and STAAB and McQUADE, Administrative Patent Judges.

McQUADE, Administrative Patent Judge.

DECISION ON APPEAL

Antonio C. Micale et al. appeal from the final rejection of claim 1, the only claim pending in the application.

The invention relates to an airplane fuselage panel which is defined in claim 1 as

[1] Application for patent filed June 6, 1995. According to the appellants, the application is a division of Application 07/964,533, filed October 13, 1992, now U.S. Patent No. 5,560,102, issued October 1, 1996.

follows:

1. An airplane fuselage panel, comprising:

a sheet having peripheral edges routed on routing surfaces, while said sheet is held immobile on a fixture, using a routing end effector carried by a precision computer controlled robot that is directed to the routing surfaces using a digital dataset taken directly from digital engineering part definition records, said sheet having coordination holes drilled while on said fixture using a drilling end effector carried by said precision computer controlled robot that is directed to drilling locations using said digital dataset taken directly from said digital engineering part definition records to accurately locate said hole locations relative to said peripheral edges; and

parts, including stringers, stringer clips and shear ties, each having coordination holes drilled by computer controlled drills at locations that will match with corresponding coordination holes in said sheet, so that said parts will be accurately located in positions called for in said digital engineering part definition records when said coordination holes in said parts and said coordination holes in said sheet are aligned and said parts are riveted to said sheet in said accurately located positions.

The references relied upon by the examiner as evidence of anticipation and obviousness are:

Robinson et al. (Robinson)	4,310,132	Jan. 12, 1982
Sarh	4,967,947	Nov. 6, 1990
Ross et al. (Ross)	5,165,829	Nov. 24, 1992

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Robinson, and under 35 U.S.C. § 103 as being unpatentable over Sarh in view of Ross.

Reference is made to the appellants' brief (Paper No. 10) and to the examiner's final rejection and answer (Paper Nos. 4 and 11) for the respective positions of the appellants and the examiner with regard to the merits of these rejections.

As indicated above, claim 1 recites an airplane fuselage panel comprising, inter alia, a sheet having coordination holes, and

> parts, including stringers, stringer clips and shear ties, each having coordination holes . . . at locations that will match with corresponding coordination holes in said sheet, so that said parts will be accurately located . . . when said coordination holes in said parts and said coordination holes in said sheet are aligned and said parts are riveted to said sheet.

Thus, claim 1 requires the airplane fuselage panel recited therein to include stringer clips having coordination holes at locations that will match with corresponding coordination holes in the sheet so that the stringer clips will be accurately located when the coordination holes therein are aligned with the coordination holes in the sheet and the stringer clips are riveted to the sheet.

In short, it is not apparent, nor has the examiner even attempted to explain, how the disclosure of Robinson or the combined disclosures of Sarh and Ross teach or would have suggested an airplane fuselage panel meeting these claim limitations. Although the Robinson reference pertains to an airplane fuselage panel having a skin 12 and stringer clips 24, it does not disclose any holes in the skin or stringer clips which might be characterized even remotely as coordination holes of the sort recited claim 1. Similarly, while the Sarh reference relates to the construction of an airplane fuselage panel, it does not describe the panel as having any stringer clips. Finally, the Ross reference pertains to an end-effector routing apparatus and makes no mention of airplane fuselage panels.

Thus, the examiner's determination that the subject matter recited in the appealed claim (1) is anticipated by the teachings of Robinson and (2) would have been obvious in view of the combined teachings of Sarh and Ross is not well taken. Accordingly, we shall not sustain the standing 35 U.S.C. § 102(b) and 35 U.S.C. § 103 rejections of this claim.

The decision of the examiner is reversed.

REVERSED

BRUCE H. STONER, JR. Chief Administrative Patent Judge	)	
LAWRENCE J. STAAB Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
JOHN P. McQUADE Administrative Patent Judge	)	

JPM/pgg

Lawrence W. Nelson

The Boeing Company
Office of the General Counsel
Intellectual Property Practice Group
Mail Stop 13-08
P.O. Box 3707
Seattle, WA 98124-2207